

## **Rocky Flats Coalition of Local Governments**

City of Arvada

City of Boulder

Boulder County

City of Broomfield

Jefferson County

Town of Superior

City of Westminster

### **Board Meeting Minutes**

**Monday, April 2, 2001****8:00 — 11:20 a.m.****Mt. Evans Room in the Terminal Building  
Jefferson County Airport, Broomfield**

**Board members in attendance:** Michelle Lawrence (Director, Jefferson County), Nanette Neelan (Alternate, Jefferson County), Tom Brunner (Director, Broomfield), Mike Bartleson\* (Alternate, Broomfield), Mary Harlow (Alternate, Westminster), Ken Fellman\* (Director, Arvada), Carol Lyons (Alternate, Arvada), Paul Danish (Director, Boulder County), Lisa Morzel (Director, City of Boulder), Karen Imbierowicz\* (Director, Superior), Matt Magley\* (Alternate, Superior).

\*Arrived/Departed at time indicated.

**Coalition staff members and consultants in attendance:** David Abelson (Executive Director), John Marler (Technical Advisor), Kimberly Chleboun (Program Assistant), and Barbara Tenney (Icenogle, Norton, and Seter, P.C.).

**Members of the Public:** John Corsi (Kaiser-Hill), Dave Shelton (Kaiser-Hill), Jeff Stevens (Kaiser-Hill), Dyan Foss (Kaiser-Hill), John Rampe (DOE), Anna Martinez (DOE), Fred Gerdeman (DOE), Ravi Batra (DOE), Jeremy Karparkin (DOE), Hank Dalton (DOE), Steve Tarlton (CDPHE), Tim Rehder (EPA), Rob Henneke (EPA), Noelle Stenger (RFCAB), Gerald DePoorter (RFCAB), Pete Jacobson (Senator Allard), Theresa Sauer (Governor Owens), Nancy Hunter (Congressman Schaffer), Doris DePenning (Friends of the Foothills), Jyoti Wind (Citizens Concerned about Nuclear Waste Impacts), Paula Elofson-Gardine (Environmental Information Network), Gail Bange (Wackenhut), Dan Chesshir (RFSOIU Local #1), Beth Wohlberg (The Daily Camera), Berny Morson (Rocky Mountain News), Shirley Garcia (Broomfield), Dr. Harvey Nichols (CU), Katie Chavez (CU), Michael Stanley (CU), Dan Fernandez (CU).

### **Convene/Agenda Review**

Paul Danish called the meeting to order at 8:18 a.m. There were no proposed changes to the agenda.

### **Business Items**

1. **Motion to Approve Consent Agenda** — Michelle Lawrence motioned to approve the consent agenda. Tom Brunner seconded the motion. The motion passed 7-0.
2. **Executive Director's Report** — David Abelson first discussed the Board's successful trip to Washington, D.C. The biggest issue they discussed was the budget, and President Bush's proposal to cut \$425 million from the Environmental Management budget. This size of cut would likely not directly impact the Rocky Flats' budget, but it could affect waste receiver sites, which would slow down cleanup. There is bipartisan opposition by the nuclear cleanup caucus, lead by Representative Hastings. David then briefed the Board on the

recommendation from Secretary of Labor, Elaine Chao, to President Bush that he rescind the Executive Order implementing the nuclear worker compensation legislation. Secretary Chao recommended the Department of Justice instead of the Department of Labor administer the program. David explained there is also bipartisan opposition to this recommendation as it runs contrary to the congressional legislation, the DOJ does not have the infrastructure to support the program, and it would risk further delay of payments. Next, David directed the Board's attention to the recently released GAO report on Rocky Flats. The report identifies obstacles that still remain but notes progress and the significantly increased chances of closure by 2006. David also referred to the report released by Kaiser-Hill last week investigating the Building 771 worker exposures. The report suggests it is a case of chronic exposure to low-level radiation and not one event. He recommended the Board request a briefing from the Site at the next meeting since DOE's investigation should also be completed by then.

David then raised the issue of the soil sampling completed by Xcel Energy. At prior Board meetings the Board requested surface and subsurface sampling prior to approval of the proposed transmission lines, but the Site stated no subsurface sampling had been done since there was no evidence of subsurface contamination in those areas. Since this runs counter to the Coalition's request that samples be taken for the length of the columns, David asked the Board how they wanted to proceed. Paul Danish motioned the Board should oppose the construction of the transmission lines since Xcel was not prepared to do the sampling requested. John Rampe, DOE, explained that the EPA and DOE approved Kaiser-Hill's sampling and analysis plan. He said the plan was adequate based on a long history of data obtained from buffer zone sampling in the early 1990s, which reflected only airborne deposition from the 903 Pad as well as the Actinide Migration Study, which determined that plutonium is not downwardly mobile in the environment. John reiterated extensive sampling in the eastern buffer zone indicates contamination in only the upper couple inches of soil. In response to further questioning by Lisa Morzel and Paul Danish, John explained that previous sampling had extended several feet down into the subsurface, and there is no VOC contamination in the eastern buffer zone. Lisa Morzel seconded the motion. Tom Brunner said if the EPA and DOE felt the area was sufficiently investigated and there is minimal risk, he is not willing to delay Xcel's efforts. The motioned failed 5-2.

David continued by informing the Board of the new Superior Director, Karen Imbierowicz. She is the Town Trustee and should arrive at the Board meetings by 9 a.m. Last, David noted President Bush has nominated Bob Card as Department of Energy Undersecretary and Jessie Roberson as Assistant Secretary for Environmental Management. Mary Harlow motioned to send a letter to Mitchell Daniel, Director, Office of Management and Budget, opposing rescinding the nuclear worker health compensation Executive Order. Tom Brunner seconded the motion. The motion passed 7-0.

### **Public Comment**

Doris DePenning expressed disappointment in the Board's decision on subsurface sampling. She said it appeared the Board was rushing to accommodate Xcel, but the community is not trustful that everything is OK. Steve Tarlton, CDPHE, asked to correct a misperception. He explained that two years ago, as a result of information from Paula Elofson-Gardine, the Site conducted a historical study of the buffer zone and identified a number of areas to test for hot spots. They came to the conclusion that the only contamination in the buffer zone is wind dispersed on the surface. Steve said this information would be available this spring in the Industrial Area and Buffer Zone Sampling and Analysis Plans. Jerry DePoorter, RFCAB, urged the Board to approve

the Stewardship Working Group's report recommendations, and thanked the Board for participating in the Stewardship Working Group's efforts. Dan Chessir thanked the Board for sending a letter to DOE regarding the Coalition's position on security issues raised at the last meeting. The security guards received a commitment from DOE not to disconnect the current security system until the new system has been fully tested and approved. Paula Elofson-Gardine stated contamination spread in the buffer zone would not show up as a disturbance in aerial photos and there still might be unaccounted for hot spots. She voiced concern over the lack of real sampling. Mary Harlow said she has spent a great amount of time working on Rocky Flats issues, and has seen that actinide migration only occurs in the top three centimeters of soil, but it does move readily through the air. She said she is confident the Board made the correct decision.

Harvey Nichols, CU, brought three of his students to present alternatives to the prescribed burn. Katie Chavez and Michael Stanley presented findings on the vegetation management alternative of grazing by goats. Katie extrapolated data from Ecological Services and DOE and came to the conclusion that goats would cost \$270,000 while the burn would run \$660,000 for the life of the vegetation management plan. Michael stated experts from Ecological Services confirmed their confidence that goats do provide priority weed control, and 100 goats could consume 1 acre of weeds per day. Ed Fernandez described physical plant-soil relations and explained the plants would take up plutonium and become contaminated. The ash would return to the surface to be taken up again, or be redistributed by the wind. Since the actinides would be in a chelated form, the air filters would not be able isolate them for isotopic analysis. The filters also wouldn't detect them in the smoke plume since they are metals and would not volatilize at these temperatures. He also noted there were forms of plutonium the Site did not test for. Ed said he had consulted with professors at CU, and they agreed the Site test burn results could not be correct and the methods for analysis were not adequate. He urged an independent study be done. John Rampe first explained experts at Fish and Wildlife Service had advised the Site, in writing the Rock Creek Reserve Management Plan, that goats would not be the best alternative. He did say they would re-review their alternatives before the next burn. John then addressed the issue of plutonium distribution and said the Site would be happy to create a white paper on plutonium chemistry.

\*Karen Imbierowicz arrived at 8:50 a.m.

### **Overview of Report from Rocky Flats Stewardship Group**

David Abelson presented the Stewardship Working Group report, "Hand-In-Hand: Stewardship and Cleanup", and explained it was the result of a joint effort between the Coalition and the RFCAB. According to prior Board direction, the working group reports back to their boards for decisions to be made at the board level. David briefly described the report and recommendations, then directed the Board's attention to the letter drafted for their approval, which would forward the report recommendations to the RFCA parties. He said Board feedback on the letter thus far consisted of explicitly stating the federal government's obligation and liability for long-term stewardship and funding. Ken Fellman suggested the letter be signed by the Chair or by the entire Board. He also said he would prefer the letter be more forceful and proposed adding the language, "We hope you and your agency will incorporate the recommendations of this report into your cleanup, closure, and long-term stewardship plans." He also asked why the draft letter had not first been circulated to the staff for comment. David explained the report was issued on a Tuesday, and the Board packets were mailed the following Friday morning, so there was not enough time for staff to review it. Normally, it would go through staff first. Mary Harlow asked that the letter also cover local government concerns such as institutional controls, weighing long-term costs and benefits, no liability to the communities, surveillance, monitoring and oversight, record keeping, enforcement, and funding. Tom Brunner added some controls would fail, so the Site will pay now

or later. Tom Brunner motioned to approve the revised letter. Ken Fellman seconded the motion. The motion passed 6-0. Karen Imbierowicz abstained.

### **D&D Briefing**

John Marler began by explaining how he is planning on presenting D&D issues over the next several meetings. He stated that today the Board would receive a broad overview of D&D and how it relates to the closure project, and at the next three meetings they would address specific issues in depth.

Hank Dalton, DOE, said D&D actually includes decommissioning, deactivation, decontamination and demolition, and there will be more D&D at Rocky Flats in the next five years than anywhere else in the world. He explained the major portion of cleanup and closure resources, as well as risk, goes into D&D, and it is a very complex process with different phases of work overlapping one another. Hank stated the Site would describe these phases today and go into further detail about technical aspects at future meetings.

Jeff Stevens and Dyan Foss, Kaiser-Hill, gave a presentation describing the D&D process. Jeff began by describing the flowpath and phases of the work, and the percentage of the budget they account for, as follows:

- Characterization (1%) — includes radiological and non-radiological, historical assessment, and facility typing.
- Planning (9%) — involves the Project Management Plan, RFCA Decision Documents and the regulatory process, work packages, design, and procurements.
- Dismantlement (64%) - the largest and most dangerous facet of D&D, will include the size reduction and breakdown of highly contaminated components like gloveboxes and tanks and the removal of piping and ducts that contain holdup. These components must be small enough to fit into the two types of transuranic waste containers, a 55-gallon drum or a 4x4x3-foot waste box.
- Facility decontamination (10%) — floors, walls, ceilings, and floor removal, using hydrolasing, scabbling, or scarifying.
- Final survey (5%) - in order to assure decontamination was complete.
- Demolition (2%) - will bring the building down and will involve industrial hygiene issues.
- Environmental restoration (ER) (9%) - will complete the process.

Jeff described the decision documents that are required for these processes, and how the Site has worked to reduce and/or eliminate worker hazards during the size reduction process. He also outlined key accomplishments thus far, such as the drainage of 95% of the actinide liquids as well as waste shipment milestones. The Site still plans to reduce the Protected Area April 9, 2001 assuming the new security system has been approved. Jeff concluded by describing the status of several D&D projects and the key challenge of safely completing the decommissioning scope of work within the boundaries of the site budget and schedule. The floor was opened for questions.

Ed Fernandez stated it was his understanding that small amounts of contamination were released into the atmosphere on a daily basis, and asked if there would be an Environmental Impact Statement. Jeff explained airflow and filtration inside the buildings goes through four stages before it goes outside. He added there is ongoing monitoring of ventilation discharge, and monitoring at the Site boundaries every day, as well as the additional monitoring to be performed during demolition. Dyan noted environmental consequences are assessed in the decision

documents. Mary Harlow and Tom Brunner expressed concern over funding and the potential that money could run out before the majority of the buildings are demolished during the last two years. Jeff said the most expensive part of D&D would occur during dismantlement, and Dyan responded the plutonium buildings would require most of the funding, but they are currently working on a plan for the ancillary, non-plutonium buildings as well. Lisa Morzel asked questions concerning foundation removal, characterization, and process lines. Jeff began to explain that if the foundations and soil are clean and there would not be an impact on soil and water balance, then the foundations would be left in place. David Abelson reminded the Board that these issues would be discussed in depth during the fourth D&D session, but this would be a good time to flag key issues. Jeff explained ER characterization would occur in phases, and there will be some initial characterization, followed by a detailed characterization once all of the equipment is out, to determine where contamination is and if it goes outside the building footprint. He also noted Kaiser-Hill would drill through the foundation of Building 771 on April 4<sup>th</sup> to sample for under-building contamination associated with possible leaking process lines. Paula Elofson-Gardine asked how they plan to decontaminate the infinity rooms. Jeff said in the case of Building 771, the concrete would most likely just be cut out, cut up, and shipped as waste since the plutonium had soaked deeply into the concrete via acid. However, the infinity rooms in Building 371 are not as deeply contaminated, thus they will probably be treated with a fixative and stripped. Jeff said if the contamination is deeper than one inch this is not cost effective and they core the concrete to confirm depth. Jyoti Wind asked if the buildings would be tented during demolition. Jeff stated this would not be necessary if the building is confirmed to be free release, which they all should be. He added they would have normal dust suppression procedures in place for silica control as well as air monitoring. Paula asked how they would track down missing materials from Building 371, and Jeff replied much of it occurred as leaks in infinity rooms, and is also still in facility components, pipes and tanks. Paul Danish asked about the acid that enables plutonium to soak into concrete, and questioned what would happen if that had been poured into the ground. Jeff said plutonium turns into an oxide in the environment and doesn't migrate. John Rampe added that in this hypothetical situation plutonium would be more mobile than what they have seen, and if dumped in soil it would potentially permeate. John emphasized this is not a situation they have seen outside the Industrial Area.

John Marler confirmed the issues the Board is interested in, such as process waste lines and leaks will be discussed more in depth in future sessions. John concluded by providing an outline of future session discussions.

### **Controlled Burn Conversation**

David Abelson reminded the Board that at the last meeting Lisa Morzel had put forth a motion regarding the controlled burn, but the Board had requested additional information. David directed the Board's attention to his memo, and described the three parts of Lisa's controlled burn proposal: 1) DOE funds a panel of independent experts to review existing data, technical aspects, and an alternatives analysis; 2) DOE works with the Coalition on issues related to buffer zone sampling and characterization; and 3) The Coalition, along with the independent experts, hosts a public hearing to address issues related to controlled burns and alternatives to vegetation management. Lisa added it is similar to the request Congressman Udall made last July. Tom Brunner agreed with Lisa that there should be a creative solution, and noted his appreciation DOE was not rushing the Board on this issue. Mary Harlow asked how soon this panel would be able to review the burn, and a discussion ensued over panel members, DOE Headquarters involvement, scope of work, and funding. Barb Tenney said, presuming the Coalition was successful in persuading DOE to fund the panel of experts, there may be procurement/contracting issues which the Coalition will have to address, should it be made a party to the funding arrangement. David

noted it should not be necessary for the Coalition to become a contracting agent to convene this panel. Lisa Morzel motioned to approve the aforementioned controlled burn proposal, as outlined in the Coalition memo. Tom Brunner seconded the motion. The motion passed 7-0.

### **Round Robin**

**Westminster** — Mary Harlow said the Coalition does not have an accounting of the Site annual budget, and can't be sure where money is really going. She proposed requesting an annual accounting of how the budget is spent and where the Site is at in the schedule, since there is no other group reviewing accountability. This accounting should also help anticipate shortfalls, especially in the light of budget cuts, and provide justification if the Site should need to request additional money. She noted Sam Dixon had agreed with this proposal during a previous conversation. David suggested requesting a level of specificity, including DOE and Kaiser-Hill obligations being met and other closure issues. Tom Brunner agreed and asked for an easy to read semi-annual document in order to perform an independent review as backup for visits to Washington, D.C. Mary also said it would be helpful to schedule a briefing from the Site twice a year on this issue. Mary Harlow motioned to request the aforementioned accounting of the Rocky Flats budget. Paul Danish seconded the motion. The motion passed 7-0.

**Broomfield** — Tom Brunner stated the Washington, D.C. lobbying trip had been productive, and noted that Rocky Flats is in better shape than many other sites.

### **Public Comment**

Paula Elofson-Gardine referred to the Buffer Zone Sampling and Analysis Plan, and requested third party observation of the sampling, testing for uranium, chain-of-custody, and a public hearing. David Abelson responded the Board is working to review these types of things and they are hearing what the public is saying. Jyoti Wind requested that the aforementioned panel allocate funds for advertising to ensure the public is well informed. David said he would make sure the public would be notified.

\*Matt Magley and Mike Bartleson departed at 10:50 a.m.

At 10:50 a.m. Lisa Morzel motioned to move into Executive Session for the purposes of discussing personnel issues and receiving legal advice on such issues. Michelle Lawrence seconded the motion. The motion passed 7-0.

The Board reconvened from Executive Session at 11:15 a.m. The Board discussed a proposal regarding the evaluation and salary increase for the Executive Director as presented by the Executive Committee. Lisa Morzel motioned to approve the proposal presented by the Executive Committee. Tom Brunner seconded the motion. The motion passed 7-0. The Board directed Ms. Tenney to revise Mr. Abelson's employment letter agreement to reflect the changes approved. Lisa Morzel also motioned to discuss at the next Board meeting the possibility of bonuses for the Executive Director. Tom Brunner seconded the motion. The motion passed 7-0.

\*Ken Fellman departed at 11:10 a.m.

The meeting was adjourned by Paul Danish at 11:20 a.m.

Respectfully submitted by Kimberly Chleboun, Program Assistant

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